PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION T-16663

Date: August 22, 2002

Telecommunications Division Public Program Branch

RESOLUTION

RESOLUTION NO. T-16663. TO ESTABLISH THE DEAF AND DISABLED TELECOMMUNICATIONS EQUIPMENT AND SERVICE PROGRAMS (PUBLIC UTILITIES CODE SECTION 2881, ET SEQ.) 2002-2003 BUDGET PURSUANT TO DECISION NO. 89-05-060.

BY COMPLIANCE FILING MADE BY THE DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM ADMINISTRATIVE COMMITTEE (DDTPAC) ON SEPTEMBER 6, 2001.

SUMMARY

This resolution recommends an annual budget of \$55,458,600 for the Deaf and Disabled Telecommunications Equipment and Service Programs (DDTP), pursuant to Public Utilities (PU) Code Section 2881, et seq. In addition, because of an estimated increase in the telecommunications billing base, this resolution recommends that the surcharge be decreased from its current rate of 0.48% to 0.30% beginning on October 1, 2002.

The Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) submitted its proposed 2002-2003 budget of \$71,451,252 on September 6, 2001. The DDTPAC proposed to increase its marketing and outreach efforts in 2003 in order to reach more consumers who are eligible for the DDTP's programs and services. In addition, the DDTPAC requested two additional Walk-In Service Centers, one to be located in the Los Angeles area and one in Northern California. As a result of the increased marketing and outreach efforts and the two additional service centers, the DDTPAC proposed hiring nine new employees: two outreach specialists, a marketing projects coordinator, three customer advisors, two field advisors, and a customer advisor supervisor. The DDTPAC proposed 2002-2003 budget was submitted prior to Commission approval of the 2001 and January through June 2002 budgets.

For the 2002-2003 budget, the Telecommunications Division (TD) recommends maintaining approximately the same administrative expenses as those approved in the January through June 2002 budget. Aside from two new positions: a California Relay Service (CRS) contract administrator and a marketing projects coordinator, TD recommends maintaining the same staffing expenses as those in the January through June 2002 budget. In response to a prior management audit of the DDTP, TD

2002 - 2003 Budget - TD/khy

recommends increasing marketing and outreach efforts to include a campaign that will promote the equipment program and advertise the walk-in centers that became or will become operational in 2002. TD also recommends increases in equipment purchases for the two equipment programs (Senate Bill (SB) 597 and SB 60) due to the anticipated growth in equipment distribution resulting from the walk-in centers established in 2002.

TD understands the DDTPAC request to open two walk-in centers in addition to the seven previously approved centers. At this time, TD recommends waiting until the previously approved centers are operational before opening any additional centers. Once the seven centers have been operational for at least six months, the staff of the DDTP can collect operational statistics and use those statistics to determine the need and location of additional centers.

In addition to the 2002-2003 budget, this resolution addresses the recommendations from the Bureau of State Audits' report, "Deaf and Disabled Telecommunications Program: Insufficient Monitoring of Surcharge Revenues Combined With Imprudent Use of Public Funds Leave Less Money Available for Program Services."

As requested by the DDTP in its comments to Resolution T-16627¹, TD has utilized the "View 1 and View 2" budget summaries, which show the allocation of the categories of "Department/Administrative Expenses" to SB 597, SB 60 and SB 244. These "views" are attached as Appendix A: View 1, Appendix A: View 2(a) and Appendix A: View 2(b).

BACKGROUND

In compliance with state legislation (P.U. Code Section 2881, et seq.) the Commission implemented three telecommunications programs for California residents who are deaf, hearing impaired or otherwise disabled. The bill number of the enabling legislation commonly identifies these programs. SB 597 (P.U. Code Section 2881(a)) authorizes the provision of TTYs to deaf or hard-of-hearing individuals. SB 60 (P.U. Code Section 2881(c)) authorizes provision of other specialized telecommunications equipment to consumers with hearing, vision, mobility, speech and cognitive disabilities. This equipment includes amplifiers, speakerphones, and cordless phones. The third program, established by SB 244 (P.U. Code Section 2881(b)), is the CRS which uses third-party intervention to connect individuals who are deaf or hearing impaired as well as offices of organizations representing the deaf or hearing impaired with hearing parties.

¹ Resolution T-16627, adopted by the Commission on February 21, 2002, approved the January through June 2002

budget for the DDTP.

The Commission retains overall responsibility for the quality of services delivered by these programs, for reaching Californians who need the services offered, and for ensuring prudent management of these funds. The DDTPAC serves as an agent of the Commission to implement the three statutory programs and as a liaison to the deaf and disabled communities. The DDTPAC Consolidated Budget funds all these programs. Decision (D.) 89-05-060 (I. 87-11-031) established that the annual budget should be submitted to the Executive Director and adopted by a Commission resolution.

DISCUSSION

DDTPAC 2002-2003 Budget Submission

The DDTPAC submitted its 2002-2003 budget during a financially difficult year. From January through August 2001, the surcharge rate for the DDTP was 0%. The Commission adopted Resolution T-16504, authorizing the Executive Director, when the enabling legislation becomes effective, to notify the telecommunication carriers subject to the DDTP surcharges of the date by which they should file advice letters and revised tariff schedules reflecting the adopted surcharge rate of 0.48% for the DDTP. Assembly Bill 219, signed by Governor Gray Davis on July 28, 2001, reinstated the authority of the Commission to impose and collect surcharges for the DDTP. On August 7, 2001, the Director of the Telecommunications Division sent a letter to the appropriate carriers informing them to file, no later than August 20, 2001, the advice letter with revised tariff schedules reflecting a DDTP surcharge rate of 0.48% beginning September 1, 2001. Revenues from the reinstated surcharge were not deposited into the DEAF Trust until November 2001.

During the first nine months of 2001, the DDTP operated using reserve funds. By September 2001, the DDTP had exhausted those funds. Through Resolution T-16565, the Commission authorized the Executive Director to transfer \$15 million from the California High Cost Fund-B, in the form of a loan, to the DDTP Trust. The DDTP repaid the \$15 million loan in full with interest in April 2002. The 2002-2003 budget submitted by the DDTPAC did not take these difficulties into account.

Furthermore, the 2002-2003 budget was submitted prior to Commission approval of the 2001 and January through June 2002 budgets. Without approval of these two budgets, the DDTPAC did not know the direction that the Commission was taking in regard to budget estimates for the DDTP. In order to provide a budget based on current statistics and information, the DDTP staff developed revised budget estimates. In March 2002, the DDTP staff provided a revised budget totaling \$57.7 million for Commission approval. The 2002-2003 budget recommended by TD is based upon the DDTP March 2002 revised budget estimates.

2002 - 2003 Budget - TD/khy

Resolution T-16663

Receipts

For the 2002-2003 budget TD proposes a billing base of \$17.75 billion and a revised surcharge rate of 0.30% beginning on October 1, 2002 to estimate surcharge revenues of \$60 million. Because the DDTP program funds are scheduled to be transferred to the state treasury on July 1, 2003², TD recommends maintaining assets in an easily liquidated form. Therefore any accrued interest from the funds will be minimal.

2002-2003 Recommended Budget

There are two highlights of the 2002-2003 budget: 1) an increase in marketing and outreach efforts, which will be discussed in the marketing and outreach section of this budget resolution and 2) the increased number of walk-in centers. In the budget year 2002-2003, the number of operational walk-in centers will increase from five to seven. Current walk-in centers are located in Sacramento, Fresno, Riverside, Santa Ana and San Diego. The latter two opened during the first half of 2002. The DDTP anticipates the opening of an Oakland center by late summer 2002. In Resolution T-16622, the Commission approved an additional Southern California walk-in center. The timeline for this center has not been finalized, but the DDTP anticipates this center to be operational by the end of 2002.

Data collected by the DDTP show that in 2001, the DDTP served an average of 533 customers per month at the three operational walk-in centers. The Sacramento center served 2,882 customers in 2001, an average of 240 customers per month. In 2001, the Riverside center served 1,701 customers and the Fresno center served 1,808 customers, averaging 142 and 151 customers per month, respectively. Using these statistics, TD anticipates that the Santa Ana, San Diego and additional Southern California centers will serve approximately 142 customers each per month. Given the density of the San Francisco Bay area, TD anticipates that the Oakland center will operate on the level of the Sacramento center and estimates that it will serve approximately 240 customers per month. Once the four newest centers are all in operation, TD anticipates an additional 646 customers each month. This will more than double the number of walk-in center customers served in 2002-2003 as compared to the walk-in center customers served during 2001.

Telecom Expenses

Doubling the current number of customers served by the walk-in centers directly impacts the two equipment programs (SB 597 and SB 60). In the year 2001, the three

² Public Utilities Code Section 270.1(g) and 278.(b) require that, on July 1, 2003, funds in the Deaf Equipment Acquisition Fund (DEAF) Trust revert to the Controller for deposit in the Deaf and Disabled Telecommunications Program Administrative Committee Fund in the State Treasury.

existing centers provided 2,659 new customers with new equipment. Additionally, 2,101 existing customers exchanged equipment and 54 existing customers added new equipment. During the year 2001, equipment issued through the Sacramento, Riverside, and Fresno walk-in centers accounted for approximately 8.5% of SB 60 equipment purchases and 6.8% of SB 597 equipment purchases.

SB 597—P.U. Code Section 2881(a)

Telecommunication Devices for the Deaf and Hearing-Impaired

In September 2001, the DDTPAC requested \$3.99 million for SB 597 in the 2002-2003 budget. The DDTP staff provided revised estimates of \$2.89 million for SB 597 expenses.

Of all of the expenses in this budget category, equipment purchases represent approximately 70% of the SB 597 budget. In the year 2000, SB 597 actual equipment purchases of \$1.696 million exceeded the 2000 budget amount of \$1.572 million by 7%. The 2001 budget allotted \$1.406 million for equipment purchases. Actual 2001 equipment purchases for SB 597 equaled approximately \$1 million. The Commission approved \$800,000 for equipment purchases in the January through June 2002 budget. TD estimates that the walk-in centers opened after January 1, 2002 will increase SB 597 equipment purchases by 9%. Based on past equipment purchases and anticipated increases, TD recommends \$1,745,000 for SB 597 equipment purchases in the 2002-2003 budget.

Based on historical trends, TD included an additional \$297,800 for tariffed services, maintenance and repairs, and small miscellaneous expenses for SB 597. TD recommends total expenses of \$2,042,800 for SB 597 in the 2002-2003 budget.

<u>SB 60—P.U. Code Section 2881(c)</u>

Specialized Communication Equipment for the Disabled

In September 2001, the DDTPAC requested \$9.93 million for SB 60 in the 2002-2003 budget. The DDTP staff provided revised estimates of \$6.33 million for SB 60 expenses.

Equipment purchases represent approximately 65% of the SB 60 budget. In the year 2000, the DDTP spent \$6.62 million for equipment purchases. In the year 2001, the DDTP spent \$3.364 million for equipment purchases. TD estimates that the new walk-in centers will increase SB 60 equipment purchases by 11%. Based on past equipment purchases and anticipated increases, TD recommends \$5,989,600 for equipment purchases for the 2002-2003 budget.

Based on historical trends, TD included an additional \$1.44 million for tariffed services, maintenance and repairs and smaller miscellaneous expenses for SB 60. TD recommends total expenses of \$7,434,600 for SB 60 in the 2002-2003 budget.

SB 244—P.U. Code Section 2881(b)

The California Relay Service

In September 2001, the DDTPAC requested \$29.2 million for SB 244 in the 2002-2003 budget. The DDTP staff provided a revised estimate also equaling \$29.2 million for SB 244. Of that amount, DDTP staff estimated expenses of \$27.66 million for the CRS program and \$1.5 million for the STS program.

In analyzing the CRS budget, TD reviewed the historical billed minutes over the last two years. In the year 2000, the average number of billed minutes per month equaled approximately 1.68 million. In the year 2001, the average number of billed minutes per month equaled approximately 1.61 million. This represents a decline in CRS usage. It is unclear at this time whether the decline is due to decreased marketing and outreach to users in 2001, increased internet usage or some other unknown cause. TD recommends maintaining 2000 expense levels until DDTP staff ascertains further information on this issue. Based on the billed minutes during the year 2000 and the current rate of \$1.35 per billable minute, TD estimates expenses of \$27,194,600 for the CRS 2002-2003 budget.

In comparing the STS budgeted amount for 2002-2003 with the expenses in the years 2000 and 2001, TD assumed all calls to be intrastate at a constant reimbursed rate for the given year. In the year 2000, the DDTP had a budget of \$1.52 million for STS and spent \$1.35 million. Customers used approximately 365,100 session minutes and 196,300 conversation minutes. In the year 2001, the DDTP had a budget of \$1.1 million and spent \$1.11 million. Customers used approximately 410,000 session minutes and 235,500 conversation minutes during 2001.

During the first half of 2002, the DDTP experienced cases of fraudulent use of the STS program, leading to unreliable growth numbers. The current vendor, MCI Worldcom, continues to investigate the origin of the fraudulent calls. Because of the unreliability of the numbers from the first half of 2002, TD recommends estimating 2002-2003 usage by adding 30 percent to the January through June 2001 usage to account for two years of growth and 15 percent to the July through December 2001 usage to account for one year of growth. Based on these calculations, TD estimates consumers will use approximately 307,100 conversation minutes during 2002-2003.

In July 2002, the Commission approved a third amendment to the Amended Master Agreement for CRS Services regarding the contract between the DDTP and MCI Worldcom. The STS reimbursement rate decreased from \$2.70 per session minute to \$2.469 per conversation minute. This rate is effective February 1, 2002 through October 11, 2002 or later if extended at the DDTP's option per the Second Amendment to the Amended Master Agreement. By multiplying the estimated

conversation minutes for 2002-2003 by the new rate of \$2.469 per conversation minute, TD recommends \$758,200 for the STS program in the 2002-2003 budget.

TD recommends total expenses of \$27,952,800 for SB 244 programs in the 2002-2003 budget.

Other Non-Administrative Expenses

TD notes that in reviewing budgeted and actual personnel expenses for 2001 and the first few months of 2002, some non-administrative positions have not been filled. The DDTP explained that it did not hire for several positions due to the program's financial situation in 2001. In its comments, the DDTPAC states that given the uncertainty of the program over the past six months and the future transition of the program, it may be difficult to hire employees for this program. TD recommends that the DDTP provide a report to the Director of TD listing all approved positions not filled as of December 31, 2002. The report should also include a description of the attempts to fill the positions and reasons why those positions remain unfilled. TD recommends that the report should be sent, by January 31, 2003, to the Director of the Telecommunications Division who will determine if the positions remain necessary.

Equipment Program

In September 2001, the DDTPAC requested \$2.26 million for the equipment program in the 2002-2003 budget. The DDTP staff provided revised estimates of \$2.25 million in expenses for the equipment program.

The 2001 budget allocated \$850,000 for distribution contract labor, \$800,000 for freight charges, and \$95,000 for warehouse rent. The DDTP spent approximately \$813,300 for distribution contract labor, \$720,300 for freight charges and \$95,681 for warehouse rent. Based on historical expenses, TD recommends, in the 2002-2003 budget, estimates of \$850,000 for distribution contract labor and \$800,000 for freight charges; which takes into account possible increases from the vendor for a rise in gasoline prices. At the time this resolution was written, the equipment warehouse contract renewal had not been finalized. TD recommends \$180,000 to cover potential but justifiable increases in the contract rate. If the increases in the warehouse lease do not amount to \$48,000, then the excess funding may not be reallocated to another budget item.

TD estimates 2002-2003 personnel expenses of \$263,500; which includes a 20 percent anticipated increase in health care premiums for equipment program staff. If the anticipated increase in health care premiums does not occur, TD recommends that funds not be reallocated to other budget items. After including miscellaneous supplies such as mailing boxes and labels, TD recommends total expenses of \$2,230,700 for the equipment program in the 2002-2003 budget.

Field Operations

In September 2001, the DDTPAC requested \$3.64 million for field operations in the 2002-2003 budget. The DDTP staff provided revised estimates of \$3.064 million in expenses for field operations.

This budget category includes the operational costs of the seven walk-in centers. In the year 2000, the Commission approved the centralization of some functions previously done by the telecommunications carriers including operating five Accessibility Resource Centers and one Special Needs Center. In the 2000 and 2001 budgets, the Commission approved the opening and operational expenses of six walk-in centers. The DDTP received approval and funding for an additional walk-in center in the January through June 2002 budget. Difficulties surrounding building and lease approval delayed the opening of the Santa Ana and San Diego centers until early 2002. The Oakland site encountered the same delays. TD anticipates all seven centers to be operational by the end of 2002.

Funding for the operations and staffing of the seven centers have been included in prior budgets. TD recommends increases in this budget category due to lease increases, supplies for the new centers and a 20 percent anticipated increase in health care premiums for field operations staff. If the anticipated increase in health care premiums does not occur, TD recommends that excess funds not be reallocated to other budget items. The January through June 2002 estimated amount for field operations equals approximately \$2.735 million, when annualized. To account for the previously mentioned increases, TD recommends an estimate of \$2,878,200 for field operations expenses in the 2002-2003 budget.

Customer Contact

In September 2001, the DDTPAC requested \$11.23 million for the customer contact budget category in the 2002-2003 budget. The DDTP staff provided revised estimates of \$7,484,600 for the customer contact budget category. Both the DDTPAC and the DDTP estimate include requests of \$565,000 for a new database system and \$592,300 for a new document management system.

The customer contact budget category primarily covers the costs for the call center. New call center service contract rates for 2002 include a guarantee of 100,000 minutes and a \$.01 increase in the per minute charge for guaranteed minutes for July 2002 – December 2002. Beginning in January 2003, the number of guaranteed minutes increases to 110,000 and the per minute charge increases another \$0.09 to \$4.70 per minute. In reviewing the number of minutes used per month, usage is below that of the guaranteed minutes. Based on historical usage and the cost for the guaranteed minutes, TD estimates \$5,862,000 for call center contract charges and \$198,300 for contract projects.

Due to the current transition of the program, TD recommends revisiting the requests for the new database and document management systems in the 2003-2004 budget resolution. Subsequent to the submission of the DDTPAC budget, DDTP has contracted with Riptide Services to continue to provide maintenance and support for the current database at a cost of \$160,000.

Included in this budget category are personnel costs. TD estimates personnel costs of \$192,000 which include a 20 percent anticipated increase in health care premiums for customer contact staff. If the anticipated increase in health care premiums does not occur, TD recommends that excess funds not be reallocated to other budget items.

TD recommends a total of \$6,458,300 for customer contact expenses in the 2002-2003 budget.

CRS

In September 2001, the DDTPAC requested \$211,500 for the CRS category in the 2002-2003 budget. The DDTP staff provided a revised estimate of \$499,700 for the CRS budget category in the 2002-2003 budget.

In 2001, expenses of \$77,400 for items in this category were listed in the office administration category. In the January through June 2002 budget, the DDTP and the Commission created a separate CRS budget category estimated at \$77,645. For the 2002-2003 budget, the major increase in this category comes from reclassifying the consultant costs for the CRS project from the office administration category. This, in effect, moved \$318,600 from the office administration category to the CRS category for the 2002-2003 budget. TD agrees with this change and the estimate for the consultant fees.

Shortly after July 2003, the DDTP anticipates the implementation of a new CRS structure. The major change in this structure will be the increase in the number of service vendors from two to a maximum of six. In light of these changes, DDTP requested the approval to hire a new CRS contract administrator with an annual salary of \$54,800. After a review of the duty statement and salary, TD recommends approval of the new position to begin in January 2003. The January start date will provide time for the new contract administrator to become acquainted with the new CRS structure prior to its anticipated launch date of July 1, 2003.

The other major allocation in this budget category is personnel costs. TD recommends maintaining these costs at the June 2002 budget level with the addition of a 20 percent anticipated increase in health care premiums for CRS staff. If the

anticipated increase in health care premiums does not occur, TD recommends that the excess funds not be reallocated to other budget items.

TD recommends total expenses of \$502,500 for the CRS budget category in the 2002-2003 budget.

Marketing & Outreach

In September 2001, the DDTPAC requested \$7.14 million for marketing and outreach in the 2002-2003 budget. The DDTP staff provided revised estimates of \$3.411 million for the 2002-2003 budget, which includes \$1.386 million for outreach and \$2.025 million for marketing materials.

The DDTP's marketing plan for 2002-2003 focuses on promoting the equipment program and educating consumers on the new CRS structure. See Appendix B column C for a table of proposed expenses.

TD agrees with the DDTP's marketing plan and recommends an increase in the marketing and outreach budget that will 1) respond to a previous management audit recommending increases in outreach, 2) promote the equipment program and 3) promote the walk-in centers that opened after January 1, 2002.

TD reviewed the DDTP's marketing outline and compared it with prior years' budgets and actual expenditures. TD is concerned that funds spent on promoting the programs are not providing results. For example, TD reviewed 7-1-1 calls before, during and after the 7-1-1 promotional campaign and found no significant increases in 7-1-1 usage for those regions where the 7-1-1 promotion took place. TD recommends that the DDTP take smaller steps to promote the programs, study the results of the individual programs, and then focus its funding on the advertising media providing measurable results. TD recommends that the DDTP include a report on its marketing efforts and results in subsequent budget submissions.

In its comments to the January through June 2002 six-month budget, the DDTP requested that, in developing the 2002-2003 budget, TD revisit the DDTP's request of \$105,000 for television advertising. In Resolution T-16627, TD agreed to revisit that request. For the 2002-2003 budget, TD recommends that the DDTP allocate \$105,000 for television advertisements. TD also recommends that, following the broadcasting of the advertisements, the DDTP review data to determine whether the advertisements increased program usage and then provide an analysis of that data to the Director of TD.

TD estimates a total of \$1.753 million for marketing materials. See Appendix B column D for a table of estimated expenses. Of the \$1.753 million, approximately

Resolution T-16663 Deaf and Disabled Telecommunications Program 2002 – 2003 Budget – TD/khy

50% should be used toward promoting the equipment program and the new walk-in centers and 50% should be used toward promoting the overall program. To assist in the development and submission of the marketing reports and other marketing activities, TD recommends the hiring of a full time marketing project coordinator to provide analysis, support and technical assistance regarding specific marketing and outreach initiatives. Other than the new marketing project coordinator salary and benefits and a 20 percent anticipated increase in health care premiums, TD estimates no additional personnel cost increases over the January through June 2002 budget of \$1.05 million. If the anticipated increase in health care premiums does not occur, TD recommends that the excess funds not be reallocated to other budget items. TD estimates total personnel costs for the 2002-2003 budget to be approximately \$1.13 million. TD estimates other direct expenses at \$247,000, which remain even with January through June 2002 expenses. These expenses include costs for communication assistants, travel, vehicle leasing, supplies, and training. TD estimates total outreach costs to be \$1.378 million.

TD recommends \$3,130,900 (\$1,753,000 for materials and \$1,377,900 for outreach) for the marketing and outreach budget category in the 2002-2003 budget.

Administrative Expenses

As with the non-administrative expenses, TD notes that in reviewing budgeted and actual personnel expenses for 2001 and the first few months of 2002, some administrative positions have not been filled. Again, the DDTP explained that it did not hire for several positions due to the program's financial situation in 2001. In its comments, the DDTPAC states that given the uncertainty of the program over the past six months and the future transition of the program, it may be difficult to hire employees for this program. TD recommends that the DDTP provide a report to the Director of TD listing all approved positions not filled as of December 31, 2002. The report should also include a description of the attempts to fill the positions and reasons why those positions remain unfilled. TD recommends that the report should be sent, by January 31, 2003, to the Director of the Telecommunications Division who will determine if the positions remain necessary.

Trust Administration

In September 2001, the DDTPAC requested \$883,319 for Trust Administration in the 2002-2003 budget. The DDTP staff provided revised estimates of \$521,200 for trust administration in the 2002-2003 budget.

Actual expenses in 2001 expenses equaled \$802,188 but included \$494,500 for consultant expenses. After reallocating \$318,600 to the CRS category for consultant fees, the DDTP estimate of \$521,200 includes the following expenses for this budget category in 2002-2003: 1) \$216,200 for communication assistants, 2) \$90,000 for

auditing/accounting expenses, 3) \$55,000 for financial advisor and trustee fees, 4) \$60,000 for non-CRS consultant fees, and 5) \$100,000 for legal expenses.

Consistent with current Commission practice, TD recommends that the DDTP first consult with the Commission's Legal Division for legal advice. If the Commission Counsel determines that it does not possess the expertise to resolve program legal issues, the DDTP can then consult external legal assistance within a budget of \$70,000.

After reviewing the actual 2001 expenses for this budget category, TD estimated the following expenses for other trust administration expenses 1) \$180,600 for communication assistants, 2) \$390,000 for auditing/accounting expenses; which includes a \$300,000 estimate specifically for carrier remittance audits and a program financial audit as required by PU Code Section 274,3 3) \$55,000 for financial advisor and trustee fees, and 4) \$60,000 for non-CRS consultant fees.

TD recommends total expenses of \$755,600, as detailed above, for trust administration in the 2002-2003 budget.

Committee Expenses

The DDTPAC requested a total of \$291,267 for committee expenses in the 2002-2003 budget—no breakdown was given. The DDTP staff provided revised total estimates of \$143,900 (\$49,900 for the DDTPAC⁴, \$55,100 for the CRSAC⁵, and \$38,900 for the EPAC⁶) in the 2002-2003 budget. TD reviewed the DDTP staff revised estimates. After comparing the estimates with the 2001 actual expenses and recognizing that the committees will be fully staffed in 2002-2003, TD recommends the following estimates for committee expenses in the 2002-2003 budget: \$52,400 for the DDTPAC, \$61,000 for the CRSAC, and \$48,400 for the EPAC—totaling \$161,800.

Office Administration

The DDTPAC requested \$2.54 million for office administration in the 2002-2003 budget. The DDTP staff provided a revised estimate of \$1.88 million in the 2002-2003 budget for office administration, which includes \$563,800 in shared expenses. The increases are due to increases in the office lease and insurance rates.

The Commission approved a budget of \$1.868 million (annualized) for the January through June 2002 budget. TD has included an estimate of \$30,000 in this category to cover the expense of a bank lockbox and associated set up fees in the 2002-2003

³ If the carrier remittance and program financial audits are not carried out, TD recommends that the funds allocated for these audits may not be reallocated to other budget items.

⁴ Deaf and Disabled Telephone Program Administrative Committee

⁵ California Relay Service Advisory Committee

⁶ Equipment Program Advisory Committee

budget year. After comparing the DDTP estimates with the 2001 actual expenses of \$1.622 million and accounting for the previously mentioned increases and a 20 percent increase in health care premiums for the administrative staff, TD recommends \$1,910,400 for office administration in the 2002-2003 budget, which includes \$565,100 in shared expenses. If the anticipated increase in health care premiums does not occur, TD recommends that the excess funds not be allocated to other budget items.

Bureau of State Audits Report and Recommendations

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits (Bureau) conducted an audit of the DDTP. The Bureau made the following recommendations to the DDTP to improve the collection of surcharges:

- Work with the CPUC to develop and maintain a reliable record of carriers that are providing services subject to the surcharge.
- Track the payment history of each carrier and monitor these records to identify delinquent carriers.
- Regularly notify delinquent carriers and the CPUC of all past due amounts.

Since the funds for the DEAF Trust must be transferred to the state treasury on July 1, 2003, TD recommends beginning the transition early by transferring the responsibility of reviewing surcharge remittances from the DDTP staff to the Commission staff. This would address the second and third recommendation and nullify the first one. TD also recommends that DDTP staff work with TD staff to provide relevant electronic data and associated physical documents.

The Bureau made the following recommendations to the DDTP to ensure the prudent use of program funds:

- Adhere to its newly revised internal control procedures that define allowable expenses
- Follow its new procedure to report parking fringe benefits as taxable income on employees' W-2 forms.
- Develop additional procedures to prevent personal use of cars among employees with DDTP-leased vehicles.
- Ensure that all future contracts have established performance standards as well as provisions to collect damages from non-performing contractors.

TD recommends that the DDTP report on how it has complied, or will comply, with the Bureau's recommendations to ensure the prudent use of program funds. The DDTP should provide the report to the Director of TD no later than September 6, 2002.

Resolution T-16663 Deaf and Disabled Telecommunications Program 2002 – 2003 Budget – TD/khy

Although the Bureau made no recommendations, it did address a concern regarding DDTP employee salaries and benefits. In its final report, the Bureau stated that the "salaries and benefits of DDTP employees appear generous when compared with those of similar state employees." The Bureau noted that, "although DDTP employees are not state employees, their salaries and benefits are paid with public funds". The Bureau found that in a salary comparison of 12 DDTP employees, "the maximum step of salary ranges of these employees are, on average, 24 percent higher than those of comparable state positions, with one salary being 48 percent above a similar classification in civil service." In addition, the Bureau found that DDTP employee benefits are "significantly better than those of state employees." To address this issue, TD recommends freezing and capping DDTP salary and benefit levels at the June 30, 2002 level until further review of this issue. TD does not recommend decreasing salaries or benefit levels. Further, TD recognizes that the costs to the program to provide the same level of benefits may increase. TD recommends approving the increase of benefit costs to the program in order to maintain the same level of benefits to the DDTP staff.

NOTICE/PROTEST

On September 6, 2001, the DDTPAC submitted its proposed 2002-2003 budget to the Commission Executive Director and also sent copies of the proposed budget to all parties of record in I.87-11-031. The submission was publicly noticed on the Commission's July 15, 2002 Daily Calendar.

NOTICE OF AVAILABILITY OF CONFORMED RESOLUTION

In the past, the Commission has served hard copies of resolutions on carriers and parties on the appropriate service list(s). To be consistent with the Commission's commitment to utilize the internet for distributing Commission orders and information, TD has sent a letter of notice to the parties of record in I.87-11-031 informing them of the availability of the original draft resolution, as well as the conformed resolutions, on the Commission's web site, www.cpuc.ca.gov. In addition, a hard copy of the conformed copy of this resolution will be provided to all parties of record in I.87-11-031 and to members of the DDTPAC.

COMMENTS

In accordance with P.U. Code Section 311(g), TD mailed a copy of the original draft resolution on July 15, 2002 to the parties of record in I.87-11-031.

The only comments received on the draft resolution were submitted by the DDTPAC. The subjects addressed were as follows: 1) The Misuse of the Term "Leased", 2) Unfilled

DDTP Staff Positions, 3) Warehouse Rent, 4) New Document Management and Database Systems, 5) Marketing Expenses, 6) DDTP Staff Benefits.

1) The Misuse of the Term "Leased"

The DDTPAC points out that equipment is not leased to consumers but rather it is loaned to consumers, at no charge, consistent with the mandates of P.U. Code Section 2881, et. Seq. TD concurs and has made the appropriate change in this resolution.

2) Unfilled DDTP Staff Positions

The DDTPAC explained that the DDTP did not make any new job offers during the first six months of 2002 because of the uncertainty of the program due to Assembly Bill 1734. The DDTP plans to comply with the Commission request to provide a report to the Director of TD in December 2002 detailing the status of any unfilled positions.

3) Warehouse Rent

The DDTPAC informed TD that the lease for the equipment program warehouse is renewable annually in August. The vendor has notified the DDTP of a proposed \$.05 per square foot rent increase and a need to utilize addition square footage. That lease has not been negotiated at this time. The Equipment Program Manager informed TD staff that the DDTP plans to dispute the increase due to decreasing rents in the area where the warehouse is located.

TD recommends increasing the amount for the warehouse rent from \$132,000 to \$180,000 to cover the proposed increase. If the increase in the new lease does not equate to \$48,000, TD recommends that the DDTP not reallocate the surplus funds to other budget items.

4) New Document Management and Database Systems

The DDTPAC requested that both the document management and database systems be implemented during the 2003-2004 budget year due to the current transition of the DDTP. The DDTPAC requested that the funds recommended by TD in the 2002-2003 budget to cover the cost of the new database system be used instead to collect comparative information on possible database systems and to develop specifications and requirements so that the competitive bidding process can immediately begin in the 2003-2004 budget year.

TD agrees that the 2002-2003 budget year is not an appropriate time to begin competitive bidding process for the new database system. The estimate for the database will be eliminated from the 2002-2003 budget. TD will review the requests for the document management and database systems during the development of the 2003-2004 budget. Regarding the DDTPAC request to use

the recommended database funds for collecting comparative information, TD recommends that the Commission deny this request on the basis that \$500,000 is not a reasonable estimate for this data collection. Further, TD sees such data collection as a typical part of staff responsibility and sees no need for additional funding.

5) Marketing Expenses

Due to delays in the competitive bidding process, the DDTPAC anticipates that the new CRS structure and services will not begin until after July 1, 2003. Because of the delay, the DDTPAC requests that it not begin its new CRS customer education activities until 60 days prior to the implementation of the new structure. TD recommends that the marketing expenses (25% of the marketing media budget) previously allocated for the education of consumers on the new CRS structure should instead be allocated to the general program. TD has made the associated change in this resolution.

6) DDTP Staff Benefits

The DDTP has been notified by Health Net to anticipate a 20% increase in health premiums. If the Commission freezes the cost of health benefits at the June 30, 2002 level, the health benefits for staff would be decreased due to the higher premiums. TD opposes decreasing the level of health coverage and therefore recommends increasing the budget funds for health benefits by 20% to account for increases in the health premiums. If the anticipated increase does not occur, TD recommends that the excess funds not be reallocated to other budget items.

FINDINGS

- 1. In a September 6, 2001 budget submission, the Deaf and Disabled Telecommunications Program Administrative Committee proposed expenses of \$71,451,252 for the 2002-2003 budget.
- 2. In March 2002, staff members of the Deaf & Disabled Telecommunications Program provided a revised budget estimate of \$57,705,240 based on current statistics and information.
- 3. The Telecommunications Division estimate of \$55,458,600 for the 2002-2003 budget, as set forth in Column E of Appendix A, is reasonable for the Deaf and Disabled Telecommunications Program and should be adopted.
- 4. A surcharge rate of 0.30%, effective October 1, 2002, is reasonable and should be adopted and remain in effect until further revised by the Commission.

- 5. It is reasonable to require certified telecommunications carriers required to file tariffs with the Commission to file advice letters, no later than September 15, 2002, revising their tariff sheets to reflect the change in the DDTP surcharge rate.
- 6. It is reasonable to require the Deaf & Disabled Telecommunications Program to provide to the Director of the Telecommunications Division a report, by January 31, 2003, listing all unfilled program positions, the attempts to fill those positions, and an explanation as to why the positions remain unfilled. Further, it is reasonable to authorize the Director of the Telecommunications Division to eliminate unfilled positions that are deemed unnecessary for the program.
- 7. The Deaf & Disabled Telecommunications Program request to hire a CRS Contract Administrator and a Marketing Projects Coordinator is reasonable and should be approved.
- 8. 8. It is reasonable to require the Deaf & Disabled Telecommunications Program to provide a report on its marketing efforts and the results of those efforts in subsequent budget submissions.
- 9. It is reasonable to require the Deaf & Disabled Telecommunications Program to consult with the Commission's Legal Division on any legal inquiries prior to using funds to consult with external legal counsel.
- 10. An estimate of \$390,000 for auditing/accounting expenses; which includes a \$300,000 for carrier remittance audits and a financial audit of the Deaf & Disabled Telecommunications Program as required by Public Utilities Code Section 274 is reasonable. It is reasonable to require that these funds not be reallocated to other budget items in the event the audits are not performed.
- 11. The Bureau of State Audits conducted an audit on the Deaf & Disabled Telecommunications Program resulting in several recommendations to the Deaf & Disabled Telecommunications Program.
- 12. It is reasonable to transfer the responsibility for the review of the Deaf & Disabled Telecommunications Program surcharge remittances from the Deaf & Disabled Telecommunications Program staff to the Telecommunications Division staff. In addition, it is reasonable to require that the staff of the Deaf & Disabled Telecommunications Program work with the staff of the Telecommunications Division staff to provide relevant electronic data and physical documents.
- 13. It is reasonable to require the Deaf & Disabled Telecommunications Program to provide a report to the Director of the Telecommunications Division, no later than

September 6, 2002, on how the program has implemented the recommendations of the Bureau of State Audits on ensuring the prudent use of program funds.

13. 14. It is reasonable to freeze and cap the salaries and benefits of the Deaf & Disabled Telecommunications Program staff at the June 30, 2002 level until further notice. The freeze and cap pertain to salaries and benefits, but not the cost of the benefits incurred by the program.

THEREFORE, IT IS ORDERED that:

- 1. The 2002-2003 budget for the Deaf and Disabled Telecommunications Program shall be \$55,458,600, as set forth in Column E of Appendix A of this resolution.
- 2. The current surcharge rate of 0.48% shall be decreased to 0.30%, effective October 1, 2002 and remain in effect until further revised by the Commission.
- 3. All certificated telecommunications carriers in California shall apply this surcharge rate on their end-users' bills rendered on or after October 1, 2002 for intrastate services. All certificated telecommunications carriers required to file tariffs with the Commission shall file advice letters, in accordance with the provisions of General Order 96-A, on or before September 15, 2002, revising the California Relay Service surcharge consistent with this resolution.
- 4. All Local Exchange companies and Interexchange Companies are granted an exemption from the noticing requirements of General Order 96-A, Section III, G.1 (Resolution T-15558 dated June 8, 1994) for this resolution only.
- 5. The Deaf & Disabled Telecommunications Program shall provide to the Director of the Telecommunications Division, by January 31, 2003, a report listing all unfilled approved program positions. The report shall include each unfilled approved position, a description of the attempts to fill each position, and why staff believes the position has not been filled. The Commission delegates the authority to the Director of the Telecommunications Division to determine the necessity of the unfilled positions and eliminate those positions ascertained as unnecessary.
- 6. The Deaf & Disabled Telecommunications Program request to hire a CRS Contract Administrator and a Marketing Projects Coordinator is approved.
- 7. In subsequent budget submissions, the Deaf & Disabled Telecommunications Program shall include a report on its marketing efforts and results

- 8. The Deaf & Disabled Telecommunications Program shall consult with the Commission's Legal Division regarding any legal inquiries prior to using funds to consult with external legal counsel.
- 9. The request of \$390,000 for auditing/accounting expenses; which includes \$300,000 for carrier remittance audits and a financial audit of the Deaf & Disabled Telecommunications Program as required by Public Utilities Code Section 274 is adopted. These funds shall not be reallocated to other budget items in the event the audits are not performed.
- 10. The Telecommunications Division shall assume the responsibility for tracking and monitoring Deaf and Disabled Telecommunications Program surcharge remittances. The staff of the Deaf and Disabled Telecommunications Program shall work with the staff of the Telecommunications Division to provide requested electronic data and associated physical documentation.
- 11. The Deaf & Disabled Telecommunications Program shall provide a report to the Director of the Telecommunications Division, no later than September 6, 2002, on how the program has implemented the recommendations of the Bureau of State Audits on ensuring the prudent use of program funds.
- 12. All salaries and benefits of the staff of the Deaf & Disabled Telecommunications Program, but not the cost of the benefits incurred by the program, shall be frozen and capped at the June 30, 2002 level until further order of the Commission.
- 13. The Executive Director shall serve hard copies of the conformed Resolution to all parties of record in Investigation 87-11-031 and to the members of the Deaf and Disabled Telecommunications Program Administrative Committee.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on August 22, 2002. The following Commissioners adopted it:

/s/ WESLEY M. FRANKLIN
WESLEY M. FRANKLIN
Executive Director

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

APPENDIX A

Budget for Services Provided to the Deaf and Disabled Telecommunications Program

	A adopted 2001 budget	B 2001 actuals	C adopted six- month 2002 budget	D DDTPAC requested 2002-2003 budget	E adopted 2002-2003 budget
unencumbered funds - begin	20,885,000	20,885,000	-5,375,600	3,796,502	4,220,553
RECEIPTS					
Surcharges	22,517,000	30,040,382	36,434,400	95,352,433	58,575,000
Toll Revenues	116,000	-83,032	50,000	0	0
Investment Income	808,000	400,278	0	0	0
Miscellaneous Income	7,000	9,953	0	0	0
CRS Damage Assessments	0	65,316	0	0	0
Interest Income			173,750	0	0
Total Receipts	23,448,000	30,432,897	36,658,150	95,352,433	58,575,000
TELECOM EXPENSES					
S.B. 597 ¹	1,970,900	1,275,342	810,740	3,998,003	2,042,800
S.B. 60 ¹	6,498,100	4,647,839	3,500,000	9,934,787	7,434,600
S.B. 244 ¹	27,041,000	27,035,746	14,216,628	29,206,296	27,952,800
Total Telecom Expenses	35,510,000	32,958,927	18,527,368	43,139,086	37,430,200
ADMIN / DEPT EXPENSES					
Interpreters ²	180,000	126,784	108,094	240,792	180,600
Audit/Accounting ²	86,000	73,200	90,000	78,095	390,000
Legal ²	100,000	66,336	70,000	61,199	70,000
Consultants ²	535,000	494,465	267,500	478,618	60,000
Financial Advisor ²	18,000	18,000	9,000	9,000	18,000
Trustee ²	37,000	23,403	18,500	15,615	37,000
DDTP Office Expense ^{2,3,7}	2,624,000	1,622,437	933,812	2,548,540	1,910,400
DDTPAC ²	70,000	29,542	20,950	107,908	52,400
CRSAC ²	80,000	51,411	27,550	105,918	61,000
EPAC ²	70,000	29,340	21,950	77,441	48,400
Equipment Program ^{4, 5}	2,576,000	1,940,140	1,110,596	2,259,406	2,230,700
Field Operations ⁴	480,000	2,203,174	1,367,446	3,643,686	2,878,200
Customer Contact ^{4,6}	5,725,000	4,622,773	3,135,464	11,328,274	6,458,300
CRS⁴	0	87,541	77,645	211,475	502,500
Outreach Media & Materials ⁴	1,257,600	1,250,351	625,000	5,124,503	1,753,000
Outreach Specialists ⁴	360,000	1,014,561	651,122	2,021,696	1,377,900
Total Admin / Dept Expenses	14,198,600	13,653,458	8,534,629	28,312,166	18,028,400
TOTAL EXPENSES	49,708,600	46,612,385	27,061,997	71,451,252	55,458,600
Unencumbered Funds End	-5,375,600	4,705,512	4,220,553	27,697,683	7,336,953

¹ Item amounts are pre-allocated and pre-apportioned. See attached Views 1 - 2.

 $^{^{2}}$ Items will be 100% reallocated to the General Administration category in attached Views 1 - 2 $\,$

 $^{^{\}rm 3}$ Includes apportionable administrative expenses. See attached View 1.

 $^{^4}$ Items will be reallocated to SB 597, SB 60 and SB 244 in attached Views 1 - 2

⁵ Formerly referred to as Central Distribution Warehouse

 $^{^{\}rm 6}$ Formerly referred to as Call Center.

⁷ The office expenses for 2002-2003 include a \$30,000 allocation for a bank lockbox and associated set up fees.

APPENDIX A VIEW 1: View Before Allocations and Apportionments

Budget for Services Provided to the Deaf and Disabled Telecommunications Program 2002-2003

	D DDTPAC requested 2002-2003 budget	E adopted 2002-2003 budget
unencumbered funds - begin	3,796,502	3,796,502
RECEIPTS		
Surcharges	95,352,433	58,575,000
Toll Revenues	0	0
Investment Income	0	0
Miscellaneous Income	0	0
CRS Damage Assessments	0	0
Interest Income	0	0
Total Receipts	95,352,433	58,575,000
DISBURSEMENTS		
S.B. 597 ¹	3,998,003	2,042,800
S.B. 60 ¹	9,934,787	7,434,600
S.B. 244 ¹	29,206,296	27,952,800
Total Program Disbursements	43,139,086	37,430,200
Equipment Program	2,259,406	2,230,700
Field Operations	3,643,686	2,878,200
Customer Contact	11,328,274	6,458,300
CRS	211,475	502,500
Marketing & Outreach	7,146,199	3,130,900
Administration	3,068,226	2,262,700
Shared Expenses	654,900	565,100
Total Disbursements	71,451,252	55,458,600

APPENDIX A VIEW 2(a): View After Apportionments

Budget for Services Provided to the Deaf and Disabled Telecommunications Program 2002-2003

	D DDTPAC requested 2002-2003 budget	E adopted 2002-2003 budget
unencumbered funds - begin	3,796,502	3,796,502
RECEIPTS		
Surcharges	95,352,433	58,575,000
Toll Revenues	0	0
Investment Income	0	0
Miscellaneous Income	0	0
CRS Damage Assessments	0	0
Interest Income	0	0
Total Receipts	95,352,433	58,575,000
DISBURSEMENTS S.B. 597 ¹ S.B. 60 ¹ S.B. 244 ¹	3,998,003 9,934,787 29,206,296	2,042,800 7,434,600 27,952,800
Total Program Disbursements	43,139,086	37,430,200
Equipment Program	2,326,861	2,288,905
Field Operations	3,711,141	2,936,405
Customer Contact	11,395,729	6,516,505
CRS	256,663	541,492
Marketing & Outreach	7,213,654	3,189,105
Administration	3,408,119	2,555,987
Total Disbursements	71,451,252	55,458,600

APPENDIX A VIEW 2(b): View After Apportionments and Allocations

Budget for Services Provided to the Deaf and Disabled Telecommunications Program 2002-2003

	D DDTPAC requested 2002-2003 budget	E adopted 2002-2003 budget
unencumbered funds - begin	3,796,502	3,796,502
RECEIPTS		
Surcharges	95,352,433	58,575,000
Toll Revenues	0	0
Investment Income	0	0
Miscellaneous Income	0	0
CRS Damage Assessments	0	0
Interest Income	0	0
Total Receipts	95,352,433	58,575,000
DISBURSEMENTS S.B. 597 ¹ S.B. 60 ¹ S.B. 244 ¹ Total Program Disbursements	7,184,107 28,871,288 31,987,738 68,043,133	3,854,803 19,437,332 29,610,479 52,902,613
•	0	0
Equipment Program	0	
Field Operations Customer Contact	0	0
CRS	0	0
Marketing & Outreach	0	0
marketing a outrain	3	Ü
Administration	3,408,119	2,555,987
Total Disbursements	71,451,252	55,458,600

APPENDIX B Budget for Marketing Media Efforts of the Deaf and Disabled Telecommunications Program

	Α	В	С	D
Budget Item	Approved Jan - Jun 02 Budget	DDTPAC 02-03 Estimates	DDTP Revised 02-03 Estimates	TD 02-03 Estimates
Outreach Media Print	62,319	286,500	286,500	275,000
Outreach Radio	26,250	150,000	50,000	50,000
Outreach TV - budget rollforward	0	2,000,000	105,000	105,000
Outreach Mail Processing	0	563,920	450,000	375,000
Outreach Materials Brochures	175,000	999,015	450,000	375,000
Outreach Materials Newsletter	40,000	278,800	175,000	80,000
Outreach Video	0	78,500	30,000	30,000
Outreach Web Maintenance	0	65,000	30,000	30,000
Outreach Booth Displays	19,200	40,000	20,000	20,000
Outreach Events	84,226	46,000	46,000	46,000
Outreach Development	12,430	47,020	20,000	20,000
Outreach Agency Commission	0	47,273	10,000	10,000
Outreach Promotional Materials	35,000	154,230	100,000	100,000
Outreach Courier	765	2,000	2,000	2,000
Outreach Direct Postage Campaigns	118,080	100,920	75,000	75,000
Outreach Equipment Catalog	0	130,000	90,000	90,000
Outreach Customer Survey	14,330	67,000	30,000	30,000
Annual Report	35,000	63,000	50,000	35,000
Other	2,400	5,325	5,325	5,000
	\$625,000	\$5,124,503	\$2,024,825	\$1,753,000